

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.

Plaintiff,

V.

Civil Action No. 04-10353 PBS

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR

Defendants.

PLAINTIFF'S ASSENTED-TO MOTION TO REVISE SCHEDULING ORDER

Plaintiff ScanSoft, Inc. (“ScanSoft”) hereby moves this Court to revise the current Scheduling Order, entered by the Court on April 14, 2004. ScanSoft requests that the Court revise the Scheduling Order to (1) provide the parties with additional time to conduct fact and expert discovery without changing the date of the Markman/Summary Judgment hearing; (2) eliminate the September 13, 2003 date for exchanging claim constructions, as this will occur after expert discovery in the context of the Markman briefing; and (3) provide that the party with the burden of proof as to each claim or defense serve its expert report(s) on that claim or defense first, rather than requiring the plaintiff to serve its expert report first in all instances.

Accordingly, ScanSoft proposes the following revisions to the current Scheduling Order:

Event:

Current Date:

Proposed Date:

Fact Discovery Deadline

November 5, 2004

January 15, 2005

Initial Expert Reports due
(for parties with burden of proof)

December 3, 2004

January 30, 2005

Rebuttal Expert Reports due	January 8, 2005	February 15, 2005
Expert Discovery Deadline	February 25, 2005	March 15, 2005
Summary Judgment and Markman Motion Filing Deadline	March 25, 2005	March 30, 2005
Opposition to Summary Judgment And Markman Motions	April 15, 2005	No Change
Hearing on Markman, Summary Judgment or Pretrial Conference	May 26, 2005	No Change

The Revised Scheduling Order proposed by ScanSoft provides deadlines that correspond with the Scheduling Order entered by the Court in *ScanSoft, Inc. v. ART Advanced Recognition Technologies, Inc.*, Civil Action No. 04-10840-PBS. As the Court is aware, hearings on Markman motions and summary judgment motions have been set by the Court in both cases for May 26, 2005 at 2:00 p.m.

Accordingly, ScanSoft respectfully requests that the Court grant this motion and enter the revised schedule proposed above.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1

I hereby certify that counsel for the parties conferred in an effort to resolve the issues presented in this motion, and that counsel for Voice Signal Technologies, Inc. assents to this motion.

Dated: Boston, Massachusetts
August 16, 2004

Respectfully submitted,

Assented:

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR

SCANSOFT, INC.

By their attorneys,

By its attorneys,

/s/ Paul D. Popeo

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